

Holliston Conservation Commission

APPROVED Meeting Minutes

Via Remote Participation

May 16, 2023

7:30 PM

Present: Ann Marie Pilch, Chair; Allen Rutberg, Vice Chair; Eilish Corey, Utah Nickel, Nicole Smith, Rebecca Weissman, Commissioners
Ryan Clapp, Conservation Agent

Absent: Richard Shansky, Alternate Commissioner

Ann Marie Pilch, Chair, opened the meeting at 7:30 PM.

A. Pilch read the following into the record:

Pursuant to the Governor's July 16, 2022 Act relative to extending certain COVID-19 measures adopted during the state of emergency suspending certain provisions of the Open Meeting Law G.L. c 30A paragraph 20, the Holliston Conservation Commission will be using remote participation for this meeting. The audio of this meeting is being recorded and will be posted to the Town's webpage as soon as possible in accordance with keeping the public informed of actions during this meeting. I would ask that all participants remotely attending this meeting please state your name for identification purposes each time you speak throughout the meeting.

At this time, a roll call attendance vote will be taken.

A. Rutberg:	Present
E. Corey:	Present
U. Nickel:	Present
N. Smith:	Present
R. Weissman:	Present
R. Shansky:	Absent
A. Pilch:	Present

General Business

Review/Approve Minutes of 4/4/2023, 4/18/2023, and 5/2/2023

- **A. Rutberg made a motion to approve the minutes of 4/4/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Aye
A. Pilch:	Aye

Request for Partial Certificate of Compliance: DEP #185-849: Constitution Village

- D. MacKinnon, Guerriere & Halnon, noted that the request was only for work completed on Governor Prentice Way, Minuteman Circle, and Hiawatha Trail. Outstanding work included additional paving, stabilization of basins, grass germination, and installation of wheelchair ramps.
- Due to the lack of urgency for the Partial Certificate of Compliance and the amount of outstanding work, the Commission did not issue a Partial Certificate of Compliance at this time.

Request for Certificate of Compliance: DEP #185-934: #22 Fisher Street

- R. Clapp reported that this request was for a septic system that was installed onsite. He has inspected the site and found it to be in compliance with the Order of Conditions and stabilized.
- **E. Corey made a motion to issue a Certificate of Compliance for DEP #185-934: #22 Fisher Street. N. Smith seconded the motion. A roll call vote was taken.**

A. Rutberg:	Abstain
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Aye
A. Pilch:	Aye

Discussion: Paving and Restoration of Access Road on Adams Street Town Forest

- R. Walker noted that the parking lot on Adams Street has constant issues with erosion. He is proposing to pave approximately 40-60' of the access road to the parking lot to avoid further erosion and runoff from the site. He would grade it to the side and use riprap to avoid washout into the street.
- A. Pilch suggested that once R. Walker knows the construction costs, the Commission may be able to contribute funds to continue the paving to the top of the drive.
- R. Clapp noted there is a Conservation Restriction onsite that prohibits the paving of any portion of the property, but has reserved rights for maintenance of the road and parking lot. The Commission recommended that he reach out to Tom Dodd from the Trustees of Reservations.

Request for Partial Certificate of Compliance: DEP #185-851: #589 Prentice Street

- This item was tabled until the meeting on 5/30/2023.

Request for Partial Certificate of Compliance: DEP #185-853: #607 Prentice Street

- This item was tabled until the meeting on 5/30/2023.

Request for Certificate of Compliance: DEP #185-882: Lot 31B Old Cart Path

Request for Certificate of Compliance: DEP #185-887: Lot 81 Old Cart Path

Request for Certificate of Compliance: DEP #185-867: Lot 82 Old Cart Path

Request for Certificate of Compliance: DEP #185-876: Lot 83A Pout Lane

Request for Certificate of Compliance: DEP #185-877: Lot 83B Pout Lane

Request for Certificate of Compliance: DEP #185-878: Lot 83C Pout Lane

Request for Certificate of Compliance: DEP #185-879: Lot 83D Pout Lane

Request for Certificate of Compliance: DEP #185-880: Lot 83E Pout Lane

- These 8 Requests for Certificates of Compliance were tabled until the next meeting on 5/30/2023.

Review Correspondence

- R. Clapp provided an overview of Public Safety Day. The event was a success, with over 400 people in attendance. The Commission shared ideas for additional outreach for the next Public Safety Day.
- A. Pilch noted that Envisioning Future Holliston had a forum several weeks ago and there are ample opportunities to share ideas on their website.

Public Hearings/Public Meetings

Public Hearing – Notice of Intent for DEP #185-942: #75 Karen Circle (Assessors Map 4-4-226) for proposed replacement septic system – *CIVILized Solutions*, representing *David & Shauna Walsh*

Documents: WPA Form 3; Plan of Land entitled “Septic System Construction, 75 Karen Circle” revision date 5/4/2023

- K. Skinner-Catrone presented the revised plans to the Commission. She has added the floodplain line to the plans, showing that no work is being done in the floodplain. The project has also been approved by the Board of Health
- **A. Rutberg made a motion to close the public hearing for DEP #185-942: #75 Karen Circle. R. Weissman seconded the motion. A roll call vote was taken.**
 - A. Rutberg: Aye**
 - E. Corey: Aye**
 - U. Nickel: Aye**
 - N. Smith: Aye**
 - R. Weissman: Aye**
 - A. Pilch: Aye**
- **A. Rutberg made a motion to issue an Order of Conditions for DEP #185-942: #75 Karen Circle. U. Nickel seconded the motion. A roll call vote was taken.**
 - A. Rutberg: Aye**
 - E. Corey: Aye**
 - U. Nickel: Aye**
 - N. Smith: Aye**
 - R. Weissman: Aye**
 - A. Pilch: Aye**

Public Hearing – Notice of Intent for DEP #185-XXX: #734 Adams Street (Assessors Map 4-2-58) for proposed 7-lot open space subdivision – *GLM Engineering*, representing *Dennis & Yvonne Ferreira*

Documents: WPA Form 3; Plan set entitled “Definitive Open Space Subdivision, ‘Beaver Brook Farm’, A 7 Lot Single Family Residential Subdivision, Holliston, Massachusetts” dated 3/6/2023

- This item had previously been continued to 5/30/2023

Public Hearing – Request for Amendment to Order of Conditions for DEP #185-929: #1004 Washington Street (Assessors Map 8-7-23) for proposed in-ground pool – *GLM Engineering*, representing *Robert & Edna Touchette*

Documents: WPA Form 3; Plan of Land entitled “Proposed Sewage Disposal System, 1004 Washington Street, Holliston, MA” revision date 5/12/2023

- J. Hastings reviewed the project revisions with the Commission. The pool has been rotated, and the patio has been shortened, reducing most of the activity associated with this project outside of the 50’ No Disturbance Zone.
- N. Smith noted the pool is proposed to go right up to the fence. J. Hastings noted there is a small area between the pool and the fence. A. Rutberg confirmed that this is currently existing lawn.
- U. Nickel asked if the lawn would remain the same with this addition to the project. J. Hastings noted that since the lawn area is not expanding, no mitigation is proposed.
- **A. Rutberg made a motion to close the public hearing for DEP #185-929: #1004 Washington Street. N. Smith seconded the motion. A roll call vote was taken.**
 - A. Rutberg:** Aye
 - E. Corey:** Aye
 - U. Nickel:** Abstain
 - N. Smith:** Aye
 - R. Weissman:** Aye
 - A. Pilch:** Aye
- **N. Smith made a motion to issue an Amended Order of Conditions for DEP #185-929: #1004 Washington Street. A. Rutberg seconded the motion. A roll call vote was taken.**
 - A. Rutberg:** Aye
 - E. Corey:** Aye
 - U. Nickel:** Abstain
 - N. Smith:** Aye
 - R. Weissman:** Aye
 - A. Pilch:** Aye

Public Hearing – Notice of Intent for DEP #185-941: near #542 & #526 Winter Street for proposed culvert replacement – *AP Associates*, representing *Sean Reese, Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” revised 5/1/2023; Culvert Pipe Sizes, Existing vs. Proposed Design, April 2023

- A. Parand provided additional information regarding the sizing of the culvert. The volume and area are slightly larger due to the use of the elliptical culvert. There are no plan changes provided, just further clarification regarding the type and size of the culvert pipe.

- E. Corey asked if the area being calculated included the area to be filled with sediment at the bottom. A. Parand noted that the area is not included with the calculation. E. Corey expressed concerns, noting that the area calculated is not equal to the area through which water can flow. A. Parand responded that the amount of sediment in the base of the pipe is known and factored into the project.
- A. Parand reviewed the comments from MassDEP. Erosion controls are shown on the plans, and the shape of the culvert is roughly similar to that of the existing culvert. The dewatering system for the culvert constructed is located within the construction sequence in the Notice of Intent.
- N. Smith noted that DEP has requested documentation for the meeting of the stormwater standards. R. Walker noted that the standards are being met to the maximum extent possible. N. Smith requested the documentation proving that the standards are met to the maximum extent possible. The Commission agreed that this documentation should be provided, going through the stormwater standards one by one for each culvert.
- **N. Smith made a motion to continue the public hearing for DEP #185-941: near #542 & #526 Winter Street until the next meeting on 5/30/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Abstain
A. Pilch:	Aye

NEW Public Hearing – Notice of Intent for DEP #185-945: near #10 Bald Hill Road & #425 Winter Street for proposed culvert replacement – *AP Associates*, representing *Sean Reese*, *Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” revised 5/1/2023; Culvert Pipe Sizes, Existing vs. Proposed Design, April 2023

- This item was continued, as the concerns were similar to those for DEP #185-941.
- **A. Rutberg made a motion to continue the public hearing for DEP #185-945: near ##10 Bald Hill Road & #425 Winter Street until the next meeting on 5/30/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg:	Aye
E. Corey:	Aye
U. Nickel:	Aye
N. Smith:	Aye
R. Weissman:	Abstain
A. Pilch:	Aye

Public Hearing – Notice of Intent for DEP #185-943: near #78 & #95 Turner Road for proposed culvert replacement – *AP Associates*, representing *Sean Reese*, *Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” revised 5/1/2023; Culvert Pipe Sizes, Existing vs. Proposed Design, April 2023

- A. Pilch noted there is a street drain and asked if there were changes to the drain. A. Parand responded that they are replacing the street drain with a catch basin, but there is no sediment trap, as they are not manufactured for this size culvert. He has also added erosion controls to the plans.
- The Commission requested a write-up for the compliance with the stream crossing standards.
- **N. Smith made a motion to continue the public hearing for DEP #185-943: near #78 & #95 Turner Road until the next meeting on 5/30/2023. U. Nickel seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Abstain
A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-944: near #72 & #73 Water Street for proposed culvert replacement – *AP Associates*, representing *Sean Reese, Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” revised 5/1/2023; Culvert Pipe Sizes, Existing vs. Proposed Design, April 2023

- A. Parand noted that the only plan updates were to add erosion controls.
- The Commission requested a write-up for the compliance with the stream crossing standards.
- **U. Nickel made a motion to continue the public hearing for DEP #185-944: near #72 & #73 Water Street until the next meeting on 5/30/2023. E. Corey seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Abstain
A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-946: near #89 & #92 Arch Street for proposed culvert replacement – *AP Associates*, representing *Sean Reese, Holliston Department of Public Works*

Documents: WPA Form 3; Plan set entitled “Construction Drawings for Culvert Replacements, Various Locations, Holliston, Massachusetts” revised 5/1/2023; Culvert Pipe Sizes, Existing vs. Proposed Design, April 2023

- The Commission requested a write-up for the compliance with the stream crossing standards.

- **U. Nickel made a motion to continue the public hearing for DEP #185-946: near #89 & #92 Arch Street until the next meeting on 5/30/2023. N. Smith seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Abstain
A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-940: #99 Pilgrim Road (Assessors Map 9-4-92) for proposed in-ground pool – *Riverhawk Environmental*, representing *Fabricio De Faria*
Documents: WPA Form 3; Plan of Land entitled “Plan to Accompany NOI” dated 1/27/2023

- R. Clapp reported that the applicant has requested a continuance to the meeting on 5/30/2023.
- **A. Rutberg made a motion to continue the public hearing for DEP #185-940: #99 Pilgrim Road until the next meeting on 5/30/2023. N. Smith seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Aye
A. Pilch: Aye

Public Meeting – Request for Determination of Applicability for #D-727: #600 Central Street (Assessors Map 9-4-62) for proposed access road and battery energy storage facility – *TRC Companies*, representing *BWC Bogastow Brook, LLC*

Documents: WPA Form 1: Plan of Land entitled “Conceptual Site Layout Sketch” dated July 2022

- R. Clapp reported that the applicant has requested a continuance to the next meeting on 5/30/2023.
- **E. Corey made a motion to continue the public meeting for #D-727: #600 Central Street until next meeting on 5/30/2023. N. Smith seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Aye
A. Pilch: Aye

Public Hearing – Notice of Intent for DEP #185-928: “0” Bartzak Drive (Assessors Map 14-4-21.4) for proposed construction of a solar power generation system and associated site work – *Beals Associates*, representing *John Clifford, Bartzak PV, LLC*

Documents: WPA Form 3; Plan Set entitled “Plans to Accompany Permit Documents for Large-Scale Solar Power Generation System, 0 Bartzak Drive, Holliston, Massachusetts” dated 7/27/2022, “Tree Inventory Plan” dated 7/27/2022; letter from Beals Associates, Inc., dated 10/7/2022; Preliminary Vernal Pool Assessment, 0 Bartzak Drive, Holliston MA, from Oxbow Associates, Inc., dated 12/8/2022; Vernal Pool Assessment and Resource Area Delineation, from Beals Associates, Inc., dated 5/25/2023; 2023 Spring Vernal Pool and Resource Area Assessment, from Oxbow Associates, Inc., dated 4/24/2023

- D. Howe, Beals Associates, reported that there were various action items the Commission had asked the applicant to address: investigation on removal of solar panels within 100’ buffer zone, reduction of impact of fence line, stormwater peer review, reaching out to the DEP Circuit Rider, and installation of understory plantings. He reported that DEP had confirmed that the project is not within State jurisdiction, so the State portion of the project has been withdrawn. He has also sent the peer review documents to R. Clapp for the record. The applicant has also relocated all panels outside of the 100’ buffer zone, and is noted in the plan notes. As the panels have been pulled away from the wetlands, the fence line is now located 16’ off of the resource area in compliance with national electric code for adequate separation from the solar panels and the fencings. The plantings outside of the fence line have been revised, with 230 shrubs proposed within the buffer zone as mitigation.
- N. Smith noted that previously, the applicant was going to leave 4’ tree snags. As the fence line and solar panels have been relocated, she asked if there was still a need to cut the trees. D. Howe responded that the trees are still proposed to be cut, as they would be shading the solar panels. Several Commissioners expressed concerns that the impact in the buffer zone does not seem to be lessened by removing the panels from the buffer zone as the trees are still to be removed. A. Pilch noted that the mitigation plantings may not provide the same habitat value for the vernal pool species than the mature upland forest that is currently onsite.
- A. Rutberg noted that the Commission is currently considering the 100’ buffer zone as a 100’ no disturbance zone to the vernal pool per the Bylaw, so the tree removals would be within the no disturbance zone and affecting habitat for vernal pool species. The applicant has not proven that the work will not impact these species.
- R. Weissman asked if Oxbow Associates had reviewed the proposed mitigation planting plan. D. Howe responded that B. Butler at Oxbow had recommended these plantings at the previous session of the public hearing. A. Rutberg would like a written assessment from Oxbow Associates detailing the suitability of the mitigation plantings for the vernal pool habitat.
- Scott Horsely, representing Tom Keefe of 5 Mohawk Path, reviewed a letter he had submitted to the Commission earlier today. He noted that the Bylaw regulations have a specific performance standard within the no disturbance zone to vernal pool that this project does not meet. He further noted that under the Wetlands Protection Act, the applicant has not met those performance standards either. He is doing hydrologic calculations under the Act, but has not completed them as of yet. A. Pilch noted that the isolated wetland is not jurisdictional under the State Act. R. Weissman noted that the Bylaw regulations have provisions for alleviating the no disturbance zone subject to the results of a wildlife habitat assessment.

- T. Keefe, 5 Mohawk Path, suggested the wildlife study be peer reviewed, and would like to see the results of the hydrologic calculations by S. Horsely. He also asked to see the calculations provided by the Applicant to DEP that the project is not subject to State review. A. Pilch noted that there were not calculations, but the type of wetland is categorically not subject to jurisdiction under the Wetlands Protection Act.
- Nagapadman Nagarajan, 28 Indian Circle, would like the Commission to review the hydrologic calculations suggested by S. Horsely.
- D. Howe asked what the scope of the hydrologic study would be. S. Horsely responded that he would evaluate changes to drainage patterns. D. Berson, representing the applicant, noted that the Planning Board has already peer reviewed the stormwater report provided with this Notice of Intent. He also noted that the Commission has the authority to waive any portion of the Bylaw that they see fit.
- A. Rutberg does not see the need for a hydrological study, as the Commission's interest regarding the vernal pool is related to wildlife habitat. A. Pilch agreed, confirming that the stormwater report has addressed the concerns raised regarding the site hydrology.
- T. Keefe stated that the applicant has requested a waiver of the SWPPP, and believes the hydrological study would assist in determining any impacts from this waiver. D. Howe noted that the waiver related to waiting until the applicant understands to full scope of work before developing the SWPPP and acquires their permits.
- **E. Corey made a motion to continue the public hearing for DEP #185-928: "0" Bartzak Drive until the meeting on 5/30/2023. N. Smith seconded the motion. A roll call vote was taken.**

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Aye
A. Pilch: Aye

A. Rutberg made a motion to adjourn at 10:39 PM. N. Smith seconded the motion. A roll call vote was taken.

A. Rutberg: Aye
E. Corey: Aye
U. Nickel: Aye
N. Smith: Aye
R. Weissman: Aye
A. Pilch: Aye

*****All documents shall be kept in the Conservation Commission Office files*****